

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

BRUCE REYNOLDS and DOVEY
MCWHORTER,

Plaintiffs,

v.

C.R. BARD, Inc.; and
BARD PERIPHERAL VASCULAR, Inc.

Defendants.

MDL No. 2641

JUDGE: DAVID G. CAMPBELL

MOTION FOR SUBSTITUTION OF PROPER
PARTY

Case No. 2:17-cv-02354

MOTION FOR SUBSTITUTION OF PROPER PARTY

Dovey McWhorter, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, moves this Court for an Order substituting Dovey McWhorter, on behalf of the Estate of Bruce Reynolds, as Plaintiff in the above-captioned cause.

1. Bruce Reynolds and Dovey McWhorter filed a product liability lawsuit against defendants on July 17, 2017.
2. Plaintiff Bruce Reynolds died intestate September 12, 2017.
3. Bruce Reynolds' product liability action against defendants survived Plaintiff's death and was not extinguished.
4. Plaintiff filed a Suggestion of Death on January 17, 2018, attached hereto as "Exhibit A".

5. Dovey McWhorter is the surviving spouse of Bruce Reynolds and a named Plaintiff in this action.
6. Dovey McWhorter, as Personal Representative and Successor in Interest for the Estate of Bruce Reynolds, is a proper party to substitute for Plaintiff Bruce Reynolds and has proper capacity to proceed forward with the surviving product liability lawsuit on Plaintiff's behalf, pursuant to Fed. R. Civ. P. 25(a)(1). "If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

WHEREFORE, counsel for the Plaintiff requests that this Court grant this request for substitution as Plaintiff in this action.

Respectfully submitted, this the 17th day of January, 2018.

THE WILSHIRE LAW FIRM

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed using the Court's electronic filing system and thereby served upon all counsel of record by electronic filing on the 17th day of January, 2018.

THE WILSHIRE LAW FIRM

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